



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant: Barry, et al.

Serial No.: 09/841,413

Art Unit: 3738

Filed: April 24, 2001

Examiner: Barrett

Title: Joint Repair Using Mesenchymal Stem Cells

Attorney

Docket No.: 640100-424

Customer No. 27162

#12  
Notice of Appeal  
S. Bryce  
11/20/03

79  
Do Not

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

RECEIVED  
NOV 20 2003  
TECHNOLOGY CENTER R3700

Applicant hereby appeals to the Board of Appeals from the decision dated June 4, 2003 of the Primary Examiner finally rejecting Claims 28-77.

The item(s) checked below are appropriate:

1. ☒ (x) A response to the final rejection has been filed.
2. ☒ (x) An extension of time to December 4, 2003 to respond to the final rejection of June 4, 2003, pursuant to Section 1.136(a) for a period of three (3) months with the following fee:

<input type="checkbox"/> ( ) One Month	<input type="checkbox"/> ( ) Small Entity \$ 55.00	<input type="checkbox"/> ( ) Other \$110.00
<input type="checkbox"/> ( ) Two Months	<input type="checkbox"/> ( ) Small Entity \$210.00	<input type="checkbox"/> ( ) Other \$420.00
<input checked="" type="checkbox"/> (X) Three Months	<input checked="" type="checkbox"/> (X) Small Entity \$475.00	<input type="checkbox"/> ( ) Other \$950.00

11/19/2003 AWONDAF1 00000103 09841413

01 FC:2401  
02 FC:1253

165.00 OP  
475.00 OP

3. (x) Appeal Fee:

(X) Small Entity \$165.00

( ) Other \$330.00

4. (x) TOTAL AMOUNT: \$440.00

(x) Enclosed

( ) Not Required

(x) Charge any deficiencies to Deposit Account No. 03-0678

**FIRST CLASS CERTIFICATE**

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Raymond J. Lillie* 11/13/03  
Raymond J. Lillie, Esq. Date

Respectfully submitted,

*Raymond J. Lillie*  
Raymond J. Lillie, Esq.  
Reg. No. 31,778

CARELLA, BYRNE BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN  
Five Becker Farm Road  
Roseland, New Jersey 07068  
T: (973) 994-1700  
F: (973) 994-1744

#201025 v1